

AMENDMENTS TO THE DRAWINGS:

The attached sheet of drawings includes a change to Figure 32. This sheet, which includes Figure 32 replaces the original sheet including Figure 32.

Figure 32 has been amended to include reference characters E₁ through E₇. The reference characters E₁ through E₇ identify the plurality of extension lines depicted in Figure 32. No new matter has been introduced by virtue of these amendments since the extension lines were presented in Figure 32 as originally filed.

Attachment: one (1) replacement sheet

REMARKS

In the March 5, 2009 Office Action, the drawings and specification were objected to and claims 1-18, 22 and 26 stand rejected in view of prior art, while claims 19-21 and 23-25 were indicated as containing allowable subject matter. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the March 5, 2009 Office Action, Applicants have amended the specification and claims 19, 21, 22, 23 and 25, cancelled claims 1-18 and 27-28 as indicated above. Applicants wish to thank the Examiner for this indication of allowable subject matter and the thorough examination of this application. Thus, claims 19-26 are pending, with claims 19, 22 and 23 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Election of Species

In paragraph 1 of the Office Action, Applicants' January 15, 2009 Election without traverse was acknowledged. Thus, non-elected claims 27 and 28 have been cancelled.

Drawings

In paragraph 2 of the Office Action, the drawings were objected to as failing to comply with 37 CFR §1.83(a). In response, Applicants have filed herewith a Request for Approval of Proposed Drawing Corrections. Specifically, corrected Figure 32 by adding

reference characters E₁ through E₇. The reference characters E₁ through E₇ identify the plurality of extension lines depicted in Figure 32. No new matter has been introduced by virtue of these amendments since the extension lines were presented in Figure 32 as originally filed.

Applicants have cancelled claims 1-18. Applicants have also amended claims 19, 21, 22, 23 and 25 to correct recitation of the features of the invention. Specifically, the limitation “a first stage measuring section” has been corrected to read “a first measuring section of the plurality of measuring sections”. Similarly, the limitation “a first stage determining section” has been corrected to read “a first determining section of the plurality of determining sections”. Thus, Applicants respectfully assert that all claimed features are properly depicted and identified in the drawings. No new matter has been introduced by virtue of the amendments.

Applicants believe that the drawings now comply with 37 CFR §1.83(a). Applicants respectfully request withdrawal of the objections.

Specification

In paragraph 3 of the Office Action, the specification was objected to for typographical errors. In response, Applicants have amended the specification to correct the typographical errors. Also, Applicants have amended the paragraph beginning at line 3 of page 59 of the specification to include the reference numerals E₁ through E₇ that identify the plurality of extension lines depicted in Figure 32.

Applicants believe that the specification is now correct and complies with 37 CFR §1.71 and 37 CFR §1.75(d)(1). Withdrawal of the objections is respectfully requested.

Rejections - 35 U.S.C. § 102

In paragraphs 4 and 5 of the Office Action, claims 1-18 and 22 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,399,361 (Brotherston et al.). In response, Applicants have cancelled claims 1-18 and amended independent claim 22 to clearly define the present invention over the prior art of record.

In particular, independent claim 22 has been amended to recite that the test chip for determining a target component includes a mixing section connected with a reagent reservoir and a measuring section *such that the reagent reservoir is located radially inward from the mixing section relative to both the first axis of rotation and the second axis of rotation.*

This structure is *not* disclosed or suggested by the Brotherston et al. patent or any other prior art of record. It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Therefore, Applicants respectfully submit that claim 22, as now amended, is not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Moreover, Applicants believe that dependent claim 26 is also allowable over the prior art of record in that it depends from independent claim 22, and therefore is allowable for the reasons stated above. Also, the dependent claim 26 is further allowable because it includes additional limitations. Thus, Applicants believe that since the prior art of record does not anticipate the independent claim 22, neither does the prior art anticipate the dependent claims.

Applicants respectfully request withdrawal of the rejections.

Rejections - 35 U.S.C. § 103

In paragraph 9 of the Office Action, claim 26 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the Brotherston et al. patent in view of JP 2004-109082 (Hiroki et al.). In response, Applicants have amended independent claim 22 as mentioned above.

Applicants respectfully assert that since claim 26 depends from allowable independent claim 22, claim 26 is also allowable.

Therefore, Applicants respectfully request that this rejection be withdrawn in view of the above comments and amendments.

Allowable Subject Matter

In paragraph 10 of the Office Action, claims 19-21 and 23-25 were indicated as allowed. Applicants wish to thank the Examiner for this indication of allowable subject matter and the thorough examination of this application.

In response to the objections to the drawings, Applicants have amended claims 19, 21, 23 and 25 to clarify the recitation of the various features of the invention. Applicants have also deleted the last two lines of independent claims 19 and 23, as the limitations contained therein are not necessary for practicing the claimed invention. Applicants do not believe the claim amendments affect the allowability of the claims. Thus, claims 19-21 and 23-25 are believed to be allowable.

Prior Art Citation

In the Office Action, additional prior art references were made of record. Applicants believe that these references do not render the claimed invention obvious.

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Response dated June 4, 2009
Reply to Office Action of March 5, 2009

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In view of the foregoing amendment and comments, Applicants respectfully assert that claims 19-26 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

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